

Common Services for Borrowers

Section L

Instructions, Conditions, and Notices to Offerors

Guide

4 April 2003

Source Selection Information -- See FAR 2.101 and FAR 3.104

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CSB
Section L Guide

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PREFACE

Why Use This Template and Guide?

This template and guide are intended to help writers of solicitations better define and communicate to potential offerors how to develop and submit their proposals for our formal best value source selections. "Best value" encompasses a range of selection techniques that allow the Government to make an award decision based on those criteria deemed most important to assure the successful and affordable satisfaction of the end state vision requirement(s). Through this continuum, the relative importance of cost or price and other factors varies. This template and guide will help you to ensure your solicitation clearly directs offerors to supply the information your source selection team will need, in the format they need, to conduct their evaluation and award contracts to successful offerors. It will also help you to make sure you don't ask for information you don't need. This is critical, as extraneous information wastes both the offerors' and evaluators' time and resources.

What This Template and Guide Will Answer

Specifically, this template and guide will help you prepare Section L, Instructions, Conditions, and Notices to Offerors, for solicitations in support of competitive source selections. The hidden text throughout the template, along with the more detailed coverage of some topics in the guide, will help you answer such questions as:

- What goes in Section L?
- What information should you request?
- When should you specify format?
- When are page limitations appropriate?
- How does Section L track with Section M and other source selection and solicitation documents?

What's In This Template and Guide?

This is a practical "how-to" instructional reference tool to help you prepare Section L. It is designed in a modular format, so the reader can concentrate on specific areas of key interest while skipping those that are familiar. It all starts with the template, with hidden text throughout to facilitate your decisions about what information to include. Then comes an accompanying guide. The guide is paragraph-numbered to match the template. For the sake of brevity, template paragraphs that are self-explanatory or adequately explained by the hidden text within them are not listed in the guide.

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1 A description and overview of Section L is presented in Chapter 1 of the guide to provide
2 a general sense of its layout and contents. The second chapter provides more specific
3 guidance for the Information to Offerors/Instructions for Proposal Preparation subsection.
4

5 For most acquisition integrated product teams (IPTs), the most difficult part of writing
6 Section L is ensuring you have requested all the information necessary to evaluate the
7 resulting proposals against the criteria described in Section M, and not requested
8 information that will not be evaluated. This is by far the most substantive and critical
9 portion of the section. Along with the hidden text in the template, Chapter 2 offers help in
10 this endeavor.
11

12 Another real challenge is making sure Section L tracks to and is consistent with other parts
13 of the solicitation, especially Section M. Because of the interrelationship between Sections
14 L and M, the two sections should be written together, using this template and guide and
15 its accompanying Section M Template and Guide.
16

17 In addition to this guide and template and your center source selection experts, your
18 counterparts in industry can and will help you formulate strategies, define requirements,
19 and draft documents. Requirements definition and acquisition strategy benefit from
20 involving industry early in the process and providing access to documents related to the
21 source selection to ensure as much communication as possible regarding the
22 Government's needs.
23

24 **Acquisition Reform Initiatives**

25 There are many ongoing acquisition reform initiatives that may impact your acquisition.
26 Please be sure to research these initiatives and abide by applicable standards.
27

28 **Keeping Current with Policy Changes**

29 As you prepare your Section L, ongoing policy changes may affect the procedures
30 described in this guide, so please see your Acquisition Support Team (AST) or your
31 Contracting Policy branch or division for additional information and assistance.
32
33
34

CHAPTER 1 - DESCRIPTION AND OVERVIEW

1. What to put in Section L

Insert in Section L solicitation provisions and other information and instructions to guide offerors in preparing their proposals. Instructions on how to format the proposal into severable parts, such as requirements capability, past performance, and cost, are often included. Number of copies of proposals to be submitted, page limitations, and similar information should be provided. Only minimum instructions necessary for proposal preparation should be included. **Information to Offerors MUST be consistent with the award evaluation factors included in Section M.** *Upon award, this section is removed and placed in the contract file; it does not become part of the contract.*

2. Format and Organization of Section L

Your Section L will be comprised of two main parts. The first part will consist of solicitation provisions prescribed by the FAR and its supplements (DFARS, AFFARS, and AFMCFARS), as well as some "administrative and one-time use provisions" crafted specifically to suit your acquisition situation. The organization and formatting of this part of Section L will be accomplished by your contract preparation software (Con-Write, MADES, BCAS, ACPS-GUI, SPS, etc.). The products resulting from these various automated tools differ somewhat in appearance. These differences are immaterial. The content of this part of Section L is dependent, not on the software application used to draft it, but on what you are buying and how you plan to contract for it. Your center Acquisition Support Team or Contracting Policy Division will help you determine what provisions are prescribed or recommended for your situation. Follow the instructions of your contract preparation application in developing the solicitation provisions portion of your Section L and use Subsection L-III of this template to develop your Information to Offerors. If you do not have a contract preparation software application, simply follow the format of the template, which is organized like the Con-Write program.

3. Content of Section L

Section L is made up of solicitation provisions incorporated by reference from the FAR, DFARS, AFFARS and AFMCFARS, solicitation provisions produced in full text from these sources, administrative and one-time use provisions, and "Information to Offerors" (also known as "Instructions for Proposal Preparation"). Each of these components is described below, according to the organization and format of this template:

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4

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1
2 (a) "SOLICITATION PROVISIONS INCORPORATED BY REFERENCE,"
3 (Section L-I of the template) shall consist of the provisions established in the FAR and
4 supplements thereto, when the prescription for that provision directs its placement in
5 Section L, and incorporation by reference is authorized. (See FAR 52.102 and 52.3)

6
7 (b) "SOLICITATION PROVISIONS IN FULL TEXT," (Section L-II of the
8 template) shall consist of provisions (or other special contract requirements or
9 information) that are unique to the particular solicitation, not available electronically to
10 offerors, or otherwise not authorized to be incorporated by reference. (See FAR 52.102
11 and 52.3)

12
13 (c) "INFORMATION TO OFFERORS," (Section L-III of the template) consists of
14 the information that specifically tells the offeror how to construct the proposal.
15 Typically, Section L-III will include instructions for preparing the proposal that will
16 facilitate the Government's evaluation (i.e., proposal organization, page limitations and
17 characteristics, presentation of cost information, etc.). Section L-III will also include a
18 proposal matrix that cross-references CLIN requirements to the various sections of the
19 solicitation (particularly Sections L and M). This cross reference must be consistent
20 with the WBS/SOW/CLIN/CDRL matrix required with the SOW in Section J. If the
21 matrix included in section J addresses the relationship of solicitation sections
22 (particularly L and M), it need not be repeated here.
23

24 **4. Section L Shall:**

25
26 (a) Ensure proposal instructions are consistent with the evaluation
27 factors/subfactors and **require only that which will be evaluated in accordance with**
28 **Section M.**
29

30 (b) Ensure proposal instructions request cost or pricing information that will be
31 evaluated for award or become part of the resulting contract. Ensure instructions
32 request cost information only to the Work Breakdown Structure (WBS) level needed, in
33 a consistent, clear format.
34

35 (c) Assure that any proposal page limitations imposed are adequate for the tasks
36 to be explained.
37

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1 **5. Section L Shall NOT:**

2
3 (a) Require submission of plans or data with the proposal that are requirements
4 of the resulting contract unless they are to be evaluated and are necessary for the
5 Source Selection decision. Request outlines of intended approaches rather than detailed
6 plans, if appropriate.
7

8 (b) Require offerors to submit, as part of the proposal, items that are intended to
9 be end items of the contract. For example, do not require submission of a draft report
10 as part of the proposal if the final report is an end item of the contract.
11

CHAPTER 2 - INFORMATION TO OFFERORS (ITO) AND INSTRUCTIONS FOR PROPOSAL PREPARATION (L-III)

The following are specific instructions called out in Section L Template. Paragraphs requiring no further explanation are omitted here for brevity.

1.0 Program Structure and Objectives

This section is optional but many programs have found this to be a convenient place to discuss overall program description, goals, etc. A half page to one and a half pages is usually sufficient. If your program involves a complex Contract Line Item Number (CLIN) structure, a down selection, or a large number of options or contract types, an introductory section on the program structure and objectives can be beneficial. If an Integrated Product Development (IPD) approach is to be used, include the information in Attachment 4 of this template.

2.1.5 Oral Presentations

FAR 15.102 provides for the use of oral presentations to augment or substitute for portions of an offeror's proposal. Oral presentations can and have been used effectively to streamline the source selection process. However, you must be careful how such presentations are conducted, as they are subject to the same restrictions as written communications regarding content and timing. It is important to avoid prematurely or unintentionally entering discussions or inadvertently providing an offeror an opportunity to revise its proposal. See FAR 15.102 and any relevant ED documents for the Use of Oral Presentations in Contracting by Negotiation and discuss with your Acquisition Support Team when and how this technique might be employed to your source selection team's advantage.

2.2 Organization/Number of Copies/Page Limits

(includes Table 2.2 - Proposal Organization)

Excessively-sized solicitations and proposals are costly to the offerors and unnecessarily time-consuming to evaluate. Strive to ensure the solicitation reflects only the essential requirements. This can be done by giving offerors clear and concise instructions for proposal preparation, tailoring statements of objectives, statements of work and specifications, eliminating unnecessary data requirements, and eliminating

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the request for and submission of data and information which is not germane to the selection and contract award process.

2.2.1 Page Limitations

Page limitations can be effective in focusing the offeror and evaluator on the key discriminators. The solicitation should state that the evaluators will read only up to the maximum number of pages specified. For paper copies, remove pages in excess of the maximum number from the back of the proposal and return them to the offeror as soon as practicable so that they are not evaluated. Consult your legal office/advisor prior to returning any removed pages.

NOTE: Since page and format limitations can be subject to abuse and arbitrary limitations (for example, resulting in an unacceptable proposal based on page count which includes the cover sheet and table of contents where omitting these pages from the count results in the proposal's acceptability), legal advice should be obtained before rejecting a proposal exceeding page or format limitations.

A 200-page limit is usually sufficient for the Requirements Capability volume. However, you must set the limit, based on the complexity of the acquisition and your Requirements Capability subfactors.

Rather than an overall page limitation on the past and present performance volume, consider limiting to two the number of pages that an offeror may submit for each instance of performance experience reported. You also may wish to limit the number of instances of performance experience an offeror may report. Consider limiting the number of past performances, rather than placing a page limit on the volume.

Place page limits on all other proposal volumes, whenever possible, and goals when page limits cannot be applied. The amount of information offerors are required to submit must be consistent with the page limits and goals established.

Also, limit the number of pages for responses to Evaluation Notices (ENs). The solicitation should state that limits will be set on responses to ENs. Such limits, which should be fair to all offerors, but may not be the same for all offerors (because the appropriate limit will depend on the content of each EN), will preclude offerors submitting major proposal revisions under the guise of responding to ENs. Identify reasonable page limits in the letter transmitting the ENs to the offeror. These limits, however, must not impact the requirement to conduct meaningful exchanges.

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1 **2.2.2 Cost or Pricing Information**

2 Specify the type of cost or price information required to evaluate cost or price
3 reasonableness and, when appropriate, cost realism. Notify offerors that cost or
4 pricing data and a Certificate of Current Cost or Pricing Data may be requested if
5 adequate price competition is not achieved.

6
7 Instruct offerors on form, format and other parameters of their cost or price proposal
8 submission. The instructions should include but not be limited to:

- 9
10 **(a)** type of electronic or magnetic medium
11 **(b)** software program (for example, Microsoft Excel and Microsoft Access)
12 **(c)** hardware compatibility; disk name, file name, and brief description
13 **(d)** cross-reference to hard copy (volume and page number).
14

15 **2.3. Page Size and Format**

16 State page format restrictions (for example, margins, type size, foldouts, photo
17 reduction, and spacing) in the proposal preparation instructions to allow for a common
18 baseline for proposals and responses to ENs.

3.0 Volume I - Executive Summary

This section helps evaluators understand the offeror's overall approach and rationale for selecting that approach. While the Requirements Capability volume focuses on those aspects of the offeror's approach which relate to the Requirements Capability subfactors, evaluators also need to grasp the "big picture" in order to render an accurate assessment. The wording used to request this information should focus on those areas of greatest interest to the program office. For instance, if the offeror's proposed system architecture is of paramount importance, request the offeror describe its approach, supporting rationale, and if desired, other approaches considered and the reasons for rejection.

4.0 Volume II Requirements Capability Volume

4.2.3 Sample Problem/Scenario

Some source selection teams find it useful to use a sample scenario or problem to help in the evaluation of a Requirements Capability subfactor. In some cases, such as where the problem-solving skills are themselves a critical discriminator (for example, contracts for engineering services or critical analysis), a sample problem or scenario may be particularly useful.

Suggestions: Limit sample problems/scenarios to address only the most critical aspects of the program. Problems/scenarios that are too broad or complex may overwhelm the offerors in terms of the time and cost of producing an acceptable solution and thus, not provide the insights that were intended to be provided. Also, keep in mind, your evaluation team will have to read and evaluate each proposed solution. Sample problems/scenarios need to be designed with a specific purpose in mind. They should be focused on obtaining only the information needed to satisfy the intended purpose. They must not be based on known or contemplated requirements. (Meaning, if, for instance, your requirement is for scientific or engineering services to solve specific problems, don't ask the offerors to solve those problems in their proposals. This would be seen as attempting to get the offerors to solve your problems at their expense, rather than contracting for their services.) Be certain to limit redundancy between the sample problem/ scenario and other Requirements Capability subfactors. Sample problems/scenarios should be viewed as test questions. Offerors should not be given the opportunity to improve on their answers during discussions.

Note: If you include a sample problem, you must discuss, in Section M, how it will be evaluated and contribute to the rating of the applicable Requirements Capability subfactor.

5.0 Volume III - Cost/Price Volume

5.6 Explanation of Required Cost Forms & Formats

5.6.1 Structure of Cost Models

Select the model provided if a Government-generated cost/price model has been provided for use by the offerors. The model should be tailored for use when either cost or pricing data is required in support of a Government completed cost analysis, or when information other than cost or pricing data is required to support cost reasonableness and/or cost realism when an exception to the requirement for cost or pricing data is expected to apply.

6.0 Volume IV - Contract Documentation

6.1 Model Contract/Representations and Certifications

6.1.3 Section F - Deliveries or Performance

The Government may stipulate either a required or desired delivery schedule in the solicitation. The preferred approach is to let the offerors propose their delivery schedule in order to get a more realistic assessment of how long they really think the job will take. If a required delivery schedule is necessary, ensure that it is realistic and attainable. A required delivery schedule would appear in Section F of the solicitation. The Time of Delivery clause (FAR 52.211-8) may be used if the Government wants to set forth a required delivery schedule and allow offerors to propose alternate delivery schedules. The Desired or Required Time of Delivery clause (FAR 52.211-9) may be used if the Government has a desired delivery date but requires delivery by a specified later date.

6.1.7 Section K - Representations, Certifications, and other Statements of Offerors

Section K of the solicitation will typically include solicitation provisions that require representations, certifications, or the submission of other information by offerors upon submission of a proposal. These often include: Certificate of Independent Price Determination, Contingent Fee Representation, Jewel Bearing Certificate, Certificate concerning Debarment and Suspension, and Small Business Certification. The ITO should provide clear instructions as to how the offeror should submit these representations and certifications, in which volume to include them, number of copies, whether to provide the original signed versions under separate cover, etc.

7.0 Volume V - Relevant Past and Present Performance

7.3 Relevant Contracts

You may wish to ask the offerors to send your past performance questionnaire to the points of contact for the various efforts they have identified. This may result in your obtaining past performance information earlier. If you elect to do this, be sure to provide clear instructions within the questionnaire directing the respondent to return (usually via fax) the completed form directly to the CO or PRAG, **not the offeror**. It is a good idea to include return fax cover sheets (and pre-addressed return envelopes if using mail) in the solicitation for the offeror to send along with the questionnaire. A cover letter briefly describing your acquisition and asking for the respondent's input, will likely result in more timely, thorough, and useful responses. If you are sending the questionnaires, the cover letter should be from the PRAG chair or CO. If the contractor is sending the questionnaires, you may want the cover letter to come from them, so they can provide a company point of contact in case they have provided the questionnaire to the wrong point of contact or address, or included incorrect, incomplete, or vague identifying information such as contract numbers, program identification, etc. Be sure they also include a Government point of contact (the CO) for questions about your acquisition or the questionnaire. You may want to provide the contractor with a draft of their transmittal letter. Although the questionnaire is requesting information from the respondent because a specific contract/effort has been identified as potentially relevant, consider asking the respondent to include information on any other contracts with the offeror that the respondent believes are relevant to your source selection.

1 **Attachment 1: Cross Reference Matrix**

2 The purpose of the cross reference matrix is to show critical interrelationships and
3 dependencies among the Work Breakdown Schedule (WBS), Statement of Objective
4 (SOO), Contract Line Items (CLINs), Contract Data Requirements List (CDRL) and
5 Information to Offerors (ITOs). The matrix ensures that all requirements are addressed,
6 requirements do not conflict and solicitation sections are internally consistent.
7

8 **Attachment 4: Integrated Product Development (IPD)**

9 The information in this attachment, when required, is to be inserted at the L-III
10 paragraphs denoted. Consequently, the paragraph numbers in this attachment relate to
11 the appropriate L-III paragraphs, not to this attachment.